

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**STEPHEN SUTTON**, *on behalf of himself and  
all others similarly situated*

**Plaintiff,**

**v.**

**COMMUNITY HEALTH SYSTEMS, INC.,**  
*a Delaware Corporation, a/k/a CHS, Inc. and  
Dyersburg Ambulatory Corp,*  
**CHSPSC, LLC**, *a Delaware limited liability  
company, f/k/a Community Health Systems  
Professional Services Corporation, a/k/a  
Dyersburg Ambulatory Corp,*  
**KNOXVILLE HMA HOLDINGS, LLC,**  
*a Tennessee limited liability company,  
d/b/a Tennova Healthcare, LLC, a/k/a Dyersburg  
Ambulatory Corp,*  
**DYERSBURG HOSPITAL CORPORATION,**  
*a Tennessee Corporation, a/k/a Tennova  
Healthcare – Dyersburg Regional, Dyersburg  
Regional Medical Center, and Ambulance  
Service of Dyersburg,*  
**AMBULANCE SERVICES OF DYERSBURG,**  
**INC.,** *a Tennessee Corporation, f/k/a Dyersburg  
Regional EMS, d/b/a Tennova EMS, and  
DYERSBURG AMBULATORY CORP,*  
*a Tennessee Corporation,*

**Defendants.**

**Civil Action, Case No.: 1:16-cv-01318**

**JURY DEMANDED**

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**PLAINTIFFS' RULE 26 PRETRIAL DISCLOSURES**

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COMES NOW, Plaintiff Stephen Sutton, on behalf of himself and all those similarly situated (herein "Plaintiffs"), by and through undersigned counsel, to give their pretrial disclosures as required pursuant to Federal Rule of Civil Procedure 26(a)(3)(A).

**I. WITNESS LIST**

Plaintiff will call the following witness:

- Stephen Sutton

Plaintiff may call the following witnesses:

- Mike Balias
- Jerry Ballhagen
- Charles Barham
- Jason Bizzle
- Eric D. Brooks
- Sherry Cagle
- Charles Campbell
- Reba Celsor
- Gerald D. Cherry, Jr.
- Justin Cook
- Ashley Davis
- Benjamin Davis
- John Davis
- Ronnie Farmer
- David J. Garrett
- Wendy Gatlin
- LeMont Hall
- Dean Hargrove
- Brian Hawkins

- Matt Hayes
- David Hertzog
- Jennifer Jackson
- Kevin Kelley
- Lauren Kemp
- H. Joe King, Jr.
- Charles “Chuck” Latimer
- Meredith Malone
- Tim Marr
- Heath McNealy
- Chad McNeill
- Grant Mederios
- Derick Merritt
- Lynne Michell
- Benton Mills
- Brennan Murray
- Terry Myracle
- Murphy Norris
- Danny Parker
- Thomas Perkins
- Wayne Rowell
- Barry Scobey
- Beverly Ray

- Sam Roberson
- Connie M. Scobey
- William Scobey
- Robert Shell
- William M. Simpson
- Mike Smith
- Chris Starnes
- Steven Joe Starnes, II
- Farron Stewart
- Tim Vaughn
- Anthony T. Veal
- Justin Watson
- Alan Whitby
- Brad Woody
- Sherri Vanderpool
- Michael Vestal
- Ben Youree
- Patty Wilkerson
- Leslie Shands
- Jerry Ballhagen
- Reba Celsor
- Patty Wilkerson
- Beverly Ray

- Justin D. Pitt
- Custodian/Witness for subpoenaed records
- 30(b)(6) Witnesses who have testified on behalf of the Defendants: Jerry Ballhagen, Patty Wilkerson, and Beverly Ray
- Any witness responsive to a trial subpoena for the following Defendants: CHSPSC, LLC, Knoxville HMA Holdings, LLC, Dyersburg Hospital Corporation, and Ambulance Services of Dyersburg, Inc.

Plaintiffs also identify any rebuttal witnesses, any witnesses identified or called by the Defendants, and any person identified in discovery in this case by any Defendants or Plaintiffs.

## **II. DESIGNATION OF WITNESS TESTIMONY**

Plaintiffs designate the following testimony, but reserve the right to subpoena these witnesses to trial pursuant to the Federal Rules of Civil Procedure and Federal Rules of Evidence. Plaintiff identifies the deposition testimony of 30(b)(6) Representatives given in this litigation.

Plaintiffs reserve the right to amend the designation of witness testimony as needed based on the appearance of witnesses at trial. Plaintiffs reserve the right to use any witness's prior deposition testimony for impeachment purposes or to refresh memory in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence.

Plaintiff further reserve the right to take the evidentiary deposition of any witness listed on either Parties' Initial Disclosures, Interrogatory Answers, Expert Disclosures, and/or Pre-Trial Disclosures, who is unavailable or has become unavailable under the Federal Rules of Evidence,

Federal Rules of Civil Procedure, and/or Tennessee substantive law, or alternatively use the witnesses' discovery deposition.

### **III. EXHIBIT LIST**

Plaintiffs reserve the right to use any document, material, or other evidence or information produced or disclosed in this case; however, without waiving this right, Plaintiffs specifically identify the following exhibits which may be used during the trial of this cause:

#### **I. DOCUMENTS PRODUCED BY DEFENDANTS**

1. ASD 28492-28529 – Dyersburg Regional Medical Center Employee Handbook, July 2015
2. ASD 28530-28567 – Dyersburg Regional Medical Center Employee Handbook October 2015
3. ASD 28568-28605 – Dyersburg Regional Medical Center Employee Handbook January 2014
4. ASD 28606 – 28643 – Dyersburg Regional Medical Center Employee Handbook July 2016
5. ASD 28644-28708 – Dyersburg Regional EMS Policy and Procedure Manual
6. ASD 28878-28957 – Job Descriptions for EMS Coordinator, Paramedic, EMS Lead Paramedic, EMT Advanced; Lead Paramedic, Paramedic, and EMS Coordinator
7. ASD 28967-28968 – Redacted Email from Sutton re: Retaliation
8. ASD 28969-28971 – Redacted Email re: Private HR Incident – Sutton reporting retaliation
9. ASD 28972-28975 – Redacted Email with details from call from Sutton reporting retaliation
10. ASD 28976-28981 – Redacted Email detailing problems with sleep quarters
11. ASD 28982-28985 – Redacted Email from Beverly re: Complaints and requesting meeting
12. ASD 28986-28987 – Redacted Memo re: sleep rooms and cleaning them
13. ASD 28990-28994 – Response from Sutton to Jerry re: retaliation and meeting
14. ASD 28995-28996 – Compliance Report Summary – Sutton Caller
15. ASD 29205 – Memo re: clock in, clock out, sleep time
16. ASD 29206-29216 – Dyersburg RMC Chart of employees
17. ASD 29217-29227 – Harassment Policy
18. ASD 29228-29232 – Clock in and Clock Out Policy
19. ASD 29233 – Screenshot of memo discussing disclosure of medical records to Medical Examiner's Office
20. ASD 29927 - Email McNeely to Ballhagen
21. ASD 29928 - Email clearing Sutton to work again

22. ASD 29929-29931 - Email Farron Stewart write up sleep time violation
23. ASD 29932 - Email re Sutton getting email on phone
24. ASD 29933 - Email re Sutton quality issue complaints
25. ASD 29968 - Email Sutton to Ballhagen re missing hours
26. ASD 29969-299670 - Email Sutton to Ballhagen re meeting, pay issues, policies
27. ASD 29971-29973 - Email Sutton to Ray re grievance process
28. ASD 29974-29982 - Email Sutton to Ray re August Meeting
29. ASD 29983-29991 - Email chain re August Meeting
30. ASD 29992-29993 - Email Sutton to Ray Ballhagen re timesheets
31. ASD 29995 - Email Sutton to Ballhagen re Wage and Hour
32. ASD 29998-29999 - Email Chain Sutton wage and hour complaint
33. ASD 30000-30001 - Email chain Sutton wage and hour complaint
34. ASD 30002-30003 - Email Chain Sutton wage and hour complaint
35. ASD 30004 - Ballhagen note
36. ASD 30007 - Email Ballhagen to Celsor re market rate and sleep time
37. ASD 30009 - Email Chain Sutton and Ballhagen re time
38. ASD 30012-30017 - Email chain re grievance
39. ASD 30018-30026 - Email chain re departmental policies
40. ASD 30027-30034 - Email chain re departmental policies and unpaid suspensions
41. ASD 30035-30036 - Email chain re timesheets
42. ASD 30037-30039 - Email chain re meeting with Ballhagen and Ray
43. ASD 30040-30041 - Email chain re timesheets
44. ASD 30042 - Email chain re timecard
45. ASD 30043-30045 - Email chain with other EMS re callback pay
46. ASD 30046-30047 - Email chain with other EMS re callback pay
47. ASD 30048-30049 - Email chain with other EMS re callback pay
48. ASD 30050 - Email Ballhagen and Ray re finding sleep time policy
49. ASD 30051-30053 - Email Ballhagen Ray Latimer Sleep time EMS Privileged
50. ASD 30055 - Email Ballhagen and Ray what is interruption
51. ASD 30057 - Email Ballhagen and Ray re meeting with Sutton
52. ASD 30780 – Staff Meeting Sign in Sheet dated 03/08/2016

## **II. DOCUMENTS PRODUCED BY PLAINTIFF STEPHEN SUTTON**

53. Sutton 00001-00005 – Powerpoint Slides, Tennova Dyersburg Regional EMS Transport Meeting dated 04/11/2016
54. Sutton 00006-00009 – 12/8/2015 Dyersburg EMS Staff Meeting Minutes
55. Sutton 00010-00022 - Position Description/Competency Based Evaluation for S. Sutton (undated)
56. Sutton 00023 – Daily Timesheet, blank
57. Sutton 00062- Memorandum re: EMS Market Rate Adjustments
58. Sutton 00181 – Best Practice Example – PRN Pool Process by CHSPSC, LLC
59. Sutton 00228 – Photo of Night Time Sleeping Policy
60. Sutton 00229 – Employee Counseling/Disciplinary Action Notice for S. Sutton

61. Sutton 00230 – List of Company Owned Ambulance Services AR-KY-TN, including legal names, d/b/a names, tax IDs, and Medicare numbers
62. Sutton 00231 – Stephen Sutton 2015 W2 from Dyersburg Ambulatory Corp.
63. Sutton 00232-00233 – Tennova Dyersburg EMS Unit Rotation Guidelines
64. Sutton 00235 –Policy re: Clocking In/Out
65. Sutton 00236-00238 – 12/14/16-01/04/17 email from Sutton to J. Ballhagen requesting copies of writeup
66. Sutton 00248-249 – 12/05/16 Memo from Ballhagen to Dyersburg EMS re: dirty linen and trash disposal in sleep quarters
67. Sutton 00252-00254 – 06/21/16-06/24/16 email chain from Sutton to Ballhagen and Ray
68. Sutton 00268-00270 – 02/12/16 – 02/13/16 email chain among Sutton and Ray re: complaint, write up, and grievance process
69. Sutton 00288-00291 – 10/17/15 to 10/16/15 email chain from Sutton to Ballhagen submitting concerns about damage to ambulance vehicle, wear and tear, with photos
70. Sutton 00292-00295 – 05/19/16 email from Sutton to Ballhagen re: complaints about OT/on-call, with screenshot of on-call time and rest and meal periods from DOL.gov
71. Sutton 00295-00306 – Email chain among S. Sutton, J. Ballhagen, and Beverly Ray, and Reba Celsor re: Sutton not scheduled
72. Sutton 00307-00308 – Text messages between Sutton and Ballhagen
73. Sutton 00309-00314 Email chain among S. Sutton, J. Ballhagen, and B. Ray, from 08/15/16 to 08/17/18, re: meeting
74. Sutton 00360-00361 – Screenshots of Online recitation of federal laws re: Sleep Time and On Call Employees
75. Sutton 00362 – Video duration 4:32 displaying text messages with Jerry Ballhagen from 11/2/15 to 05/22/17
76. Sutton 00363 – Video duration 13:08 displaying text messages from Chuck Latimer from 11/03/14 to 10/14/17

### **III. DOCUMENTS PRODUCED PURSUANT TO SUBPOENAS**

77. Sutton Sub City of Dyersburg 001-003 – Statistical Report of Calls by Incident Type for period from 12/16/2013 to 12/16/2016
78. Sutton Sub City of Dyersburg 004-0181 – Incident Unit Search Report by Address for period from 12/16/2013 to 12/16/2016
79. Sutton Sub 00001-00014 – List of ambulances dispatched by Dyer County and Backup provider [Docs provided by Dyer County Sheriff]
80. Sutton Sub 00015-28 - List of Incidents by location and nature of the calls [Docs provided by Dyer County Sheriff]
81. Sutton Sub 00029-42 - List of Calls by Type and Date/Time received from period of 12/18/2013 to 12/16/2016 [Docs provided by Dyer County Sheriff]
82. Sutton Sub 00043-47 - List of ambulances dispatched by Newbern, Unit dispatched, and Backup Provider [Docs provided by Dyer County Sheriff]
83. Sutton Sub 00048-List of Incidents by location and nature of the calls, including time/date received from period of 12/26/2013 to 12/16/2016 [Docs provided by Dyer County Sheriff]



84. Sutton Sub Newbern Police 001 – Email from Mike Winchester, Custodian of Records to B. Dorsey re: response to subpoena for documents dated 013018 [Document produced by Newbern City Police Dept]

#### **IV. OTHER EXHIBITS**

85. Defendant CHSPSC, LLC f/k/a Community health Systems Professional Services Corporation, a/k/a Dyersburg Ambulatory Corp's Answer
86. Defendant Knoxville HMA Holdings, LLC d/b/a Tennova Healthcare, LLC d/b/a Dyersburg Ambulatory Corp's Answer
87. Defendant Dyersburg Hospital Corporation a/k/a Tennova Healthcare – Dyersburg Regional, Dyersburg Regional Medical Center, and Ambulance Service of Dyersburg's Answer
88. Defendant Ambulance Services of Dyersburg, Inc. f/k/a Dyersburg Regional EMS, d/b/a Tennova EMS's Answer
89. Defendant CHSPSC, LLC f/k/a Community health Systems Professional Services Corporation, a/k/a Dyersburg Ambulatory Corp's Responses to Plaintiff's First Set of Interrogatories
90. Defendant Knoxville HMA Holdings, LLC d/b/a Tennova Healthcare, LLC d/b/a Dyersburg Ambulatory Corp's Responses to Plaintiff's First Set of Interrogatories
91. Defendant Dyersburg Hospital Corporation a/k/a Tennova Healthcare – Dyersburg Regional, Dyersburg Regional Medical Center, and Ambulance Service of Dyersburg's Responses to Plaintiff's First Set of Interrogatories
92. Defendant Ambulance Services of Dyersburg, Inc. f/k/a Dyersburg Regional EMS, d/b/a Tennova EMS's Responses to Plaintiff's First Set of Interrogatories
93. Defendant Ambulance Services of Dyersburg, Inc's Response to Plaintiff's First Requests for Admissions
94. Defendant CHSPSC, LLC's Responses to Plaintiff's First Requests for Admissions
95. Defendant Knoxville HMA Holdings, LLC's Responses to Plaintiff's First Requests for Admissions
96. Declaration of Beverly Ray and all supporting Exhibits (D.E. 76-10).
97. Declaration of Justin D. Pitt (D.E. 26-2).
98. Declaration of Charles W. Latimer (D.E. 26-1)
99. Declaration of Jerry Ballhagen and Exhibits (D.E. 81-8)
100. Secretary of State Filing – Knoxville HMA Holdings, LLC (D.E. 95-14)
101. Tennova Healthcare Dyersburg Regional Website (D.E. 95-11)
102. Tennova Healthcare Job Postings, including Paramedic PRN and full-time Paramedic 24-hour shifts (D.E. 95-12)
103. CHS Careers Website PDF – Website posting job openings for Plaintiffs (D.E. 95-9)
104. Secretary of State Filing Information for CHSPSC, LLC, formerly “Community Health Systems Professional Services Corporation” (D.E. 95-13)
105. PDF CHSPSC, LLC Job Posting – shows a posting for a Paramedic PRN position (D.E. 95-10)

- 106. Plaintiffs' Time and Pay Calculations *See* Exhibit 1 attached<sup>1</sup>
- 107. Detail Payroll Register for All Plaintiffs- *See* Exhibit 2 for identified documents
- 108. Personnel Files for All Plaintiffs- *See* Exhibit 3 for identified documents
- 109. Time Detail All Plaintiffs- *See* Exhibit 4 for identified documents

Plaintiffs further reserve the right to use any Exhibit identified by Defendant, in Plaintiffs' case-in-chief or at any other time, and the right to rely on unidentified exhibits, produced in this litigation, for impeachment/rebuttal purposes.

Date: June 18, 2018

Respectfully submitted,

s/ Laura Ann E. Bailey

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*Attorneys for Plaintiff*

### **CERTIFICATE OF SERVICE**

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<sup>1</sup> Plaintiffs reserve the right to amend this document to reflect any Order from the Court regarding the calculation of damages for this case.

I hereby certify that the foregoing pleading was filed electronically and notice of such filing was made electronically to Defendants' Counsel listed below pursuant to the Electronic Case Filing Rules of the United States District Court for the Western District of Tennessee Eastern Division on June 18, 2018.

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/s/ Laura Ann E. Bailey  
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